



f a c t s h e e t

310 CMR 7.00: Air Pollution Control Amendments

On March 9, 2018, the Massachusetts Department of Environmental Protection (MassDEP) promulgated amendments to 310 CMR 7.00, *Air Pollution Control*. The amendments clarify the regulations, eliminate obsolete sections, add a greenhouse gas permitting threshold, and update provisions to meet federal Clean Air Act and U.S. Environmental Protection Agency (EPA) requirements. The amended regulations are available on MassDEP's website at <https://www.mass.gov/regulations/310-CMR-700-air-pollution-control> and are summarized below.

Plan Approvals (310 CMR 7.02)

- Clarify that facilities can keep records demonstrating that new or modified process units that result in actual emissions below 1 ton per year qualify for the "de minimis" exemption from Plan Approval.
- Clarify that the list of exemptions from Plan Approval apply only to Limited Plan Approvals (LPA) and not to Comprehensive Plan Approvals (CPA).
- Establish greenhouse gas (GHG) CPA applicability at potential emissions equal to or greater than 75,000 tons of carbon dioxide equivalent (CO₂e) per year.
- Increase the threshold for when an oil combustion unit requires a CPA instead of an LPA from 30 million British thermal units per hour (MMBtu/hr) to 40 MMBtu/hr.
- Establish a 30-day public comment period for non-major CPAs to meet EPA requirements for state minor New Source Review programs (major CPAs already require public comment).
- Remove the Electric Generating Unit mercury budget since it is no longer enforceable because EPA's Clean Air Mercury Rule is no longer in effect.
- Require Plan Approvals for non-major modifications of existing PSD permits.
- Eliminate an alternative timeline provision for Plan Approvals at Operating Permit facilities that is unnecessary and has never been used.
- Clarify requirements where pollution prevention is used to limit volatile organic compound (VOC) emissions in lieu of a top-down Best Available Control Technology review.

Operating Permits (310 CMR 7.00 Appendix C)

- Remove the Operating Permit GHG applicability threshold consistent with the U.S. Supreme Court's decision vacating EPA's GHG "Tailoring Rule."
- Clarify that potential emissions from "insignificant activities" must be considered in major source applicability determinations.
- Remove lab hoods at commercial laboratories from the list of "insignificant activities."

Source Registration (310 CMR 7.12)

- Exempt small combustion sources from emissions reporting.
- Add new EPA reporting threshold for lead emissions of 0.5 tons per year.
- Establish new staggered reporting deadlines: triennial filers report by April 1, Operating Permit filers report May 1, and other annual filers report by June 1.

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Engines and Turbines (310 CMR 7.26)

- Align emergency engine requirements with EPA regulations:
 - Allow unrestricted operation during emergencies (eliminate 300 hour restriction)
 - Allow 100 hours per year for maintenance and testing, including up to 50 hours per year for non-emergency use.
 - Eliminate references to emergency demand response.
- Provide clearer criteria for proper siting of emergency engines and stack heights.
- Clarify a permit pathway for engine installations that do not meet criteria for certification pathway.
- Clarify combined heat and power (CHP) engine and turbine alternative permitting pathway.

Solvent Metal Degreasing [310 CMR 7.18(8)]

Provide flexibility for cleaning of high precision products that must meet rigorous cleanliness standards by allowing approval of facility-specific VOC limits in lieu of meeting VOC cold cleaning degreaser vapor pressure requirements.

VOC RACT (310 CMR 7.18)

- Update Reasonably Available Control Technology (RACT) for VOCs to meet EPA Control Techniques Guidelines (CTGs).
- Establish requirements (e.g., emissions limitations, work practice standards, application methods, recordkeeping) for the following CTG categories:
 - Metal furniture surface coating
 - Large appliance surface coating
 - Surface coating of miscellaneous metal parts and products
 - Packaging rotogravure and packaging flexographic printing
 - Paper, film and foil surface coating
 - Surface coating of plastic parts
 - Flat wood paneling surface coating
 - Offset lithographic printing and letterpress printing
 - Industrial cleaning solvents
 - Fiberglass boat manufacturing
- Clarify that the existing Industrial Adhesives rule does not apply to adhesives used by the printing industry covered by the printing CTGs.

NO_x RACT (310 CMR 7.19)

- Update RACT for sources of nitrogen oxides (NO_x) at major source facilities.
- Establish requirements (e.g., emissions limitations, monitoring, recordkeeping) for the following combustion categories:
 - Large boilers
 - Stationary combustion turbines
 - Stationary reciprocating internal combustion engines
- Update NO_x RACT for Municipal Waste Combustors

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NO_x Ozone Season Budget Program (310 CMR 7.32)

- Replace Massachusetts Clean Air Interstate Rule (MassCAIR) program with new ozone season NO_x budget program in accordance with EPA requirements to preserve ozone season NO_x emissions limitations.
- Exempt facilities with permitted ozone-season NO_x emissions that are below the allocation that the MassCAIR program established.
- Maintain ozone season state-wide budget of 1,799 tons of NO_x for remaining facilities.
- In the event the state-wide budget is exceeded, require facilities that exceeded their emissions budgets to transfer Cross State Air Pollution Rule (CSAPR) allowances to MassDEP to cover the excess emissions.

Air Appeals (310 CMR 7.51)

- Establish timelines and procedures for requesting a adjudicatory appeals of air decisions.
- Clarify which persons have a right to request an adjudicatory hearing on MassDEP's approval or disapproval of an air permit and the timelines and procedures for making such a request.
- Reference the Adjudicatory Proceeding regulations at 310 CMR 1.01 that provide additional procedures relative to adjudicatory hearing procedures.
- Codify procedures for issuance and requesting review of MassDEP administrative orders.

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This fact sheet is intended for general reference only and does not represent a full and complete statement of the technical or legal requirements associated with the regulation.